

Memorandum



Date: January 20, 2005

Agenda Item No. 7(C)(1)(Q)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in dark ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

Subject: South Miami Services, Inc., application for a transfer of Passenger Motor Carrier
Certificate of Transportation No. 308

RECOMMENDATION

It is recommended that the Board approve the transfer of all issued and outstanding shares of capital stock of South Miami Services, Inc., holder of Passenger Motor Carrier Certificate of Transportation No. 308, to its new President, Meinardo Castellanos.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

South Miami Services, Inc., has filed an application to transfer all of the issued and outstanding shares of capital stock of the corporation to its new President, Meinardo Castellanos. The Code requires that such transfers be approved by the Board. PMC No. 308, originally issued on April 27, 1999, to New American Transportation, Inc., and transferred to South Miami Services, Inc., on October 23, 2001, authorizes charter service. South Miami Services, Inc., located at 3935 NW 26 Street, Miami, Florida 33142, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-468-99, attached). South Miami Services, Inc., seeks to transport resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

The management plan submitted by Meinardo Castellanos, President of South Miami Services, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Stock Purchase Agreement between Rafael Gonzalez, former President of South Miami Services, Inc., and Meinardo Castellanos, establishes the acquisition by Mr. Castellanos of all the issued and outstanding shares of capital stock of South Miami Services, Inc., for a total price of twenty six thousand dollars (\$26,000.00), which includes the price of the PMC Certificate of Transportation.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



Alex Muñoz
Assistant County Manager

ARTICLE III. PASSENGER MOTOR
CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

RATES

All reservations will be made, not less than 24 hours in advance.

Miami and FT, Lauderdale

Description		US\$ Hour	Details / Quantities
Airport pick up/drop off		60.00 80.00	1 to 6 Pax (1 hour + 30 minutes waiting period) 7 to 14 Pax
Services per Hour Regular Hours		50.00 60.00	6 Pax maximum and 3 hours minimum 7 to 14 Pax
Extra Hours	Day	30.00	6:00 am to 7:00 pm
Extra Hours	Night	35.00	7:00 pm to 12:00 am
Extra Hours	Late Night	55.00	12:00 am to 6:00 am
Service per	Day 10 Hours	450.00	1 to 6 Pax
		560.00	7 to 14 Pax
Week Rates	10hrs/7days	2800.00	1 to 6 Pax
		2450.00	7 to 14 Pax
Per Mile	Dade County	1.65	Service provided to different areas
Per Mile	Outside County	2.00	Service provided to different areas

Phone (305) 871-8947

Fax (305) 870-0134

Other Locations Trips

Description	US\$ Hour	Details / Quantities
Port of Miami	65.00 P.P.P	1 to 6 Pax
Miami Beach Convention Center	85.00 P.P.P	7 to 14 Pax
Per Person Per Trip	70.00 P.P.P	1 to 6 Pax
Key West Trip	60.00 P.P.P	7 to 14 Pax
(Special rates and 4 hours waiting)		
Per trip	65.00 P.P.P	1 TO 6 Pax
FT. Lauderdale and West Palm Beach	85.00 P.P.P	7 to 14 Pax
Per trip	150.00 P.P.P	1 to 6 Pax
City Tour (4 Hours)	350.00 P.P.P	7 to 14 Pax
Parrot Jungle (4hours)	40.00 P.P.P	Roundtrip per person
Miami Seaquarium (4 hours)		Minimum 6 Pax
		Maximum 14 Pax
Shopping Tours (8 hours)	50.00 P.P.P	Roundtrip per Person
Saw grass Mill		Minimum 6 Pax
Dedeland Mall		Maximum 14 Pax
Dolphin Mall		
The Falls		
Adventura Mall		
Drop off at the Malls 10:00 am		
Pick up at the Malls 6:00 pm		

Phone (305) 871-8947

Fax (305) 870-0134

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(v)
10-23-01

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-1100-01

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF
TRANSPORTATION NO. 308 TO SOUTH MIAMI SERVICE, INC.
TO PROVIDE CHARTER SERVICE AS A PASSENGER MOTOR
CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31
of the Code, the transfer of Certificate of Transportation No. 308 to South Miami Service, Inc.
to provide charter service pursuant to a common purpose to a group of persons traveling under
a single contract in Miami-Dade County is approved.

The foregoing resolution was offered by Commissioner Dorrian D. Rolle, who
moved its adoption. The motion was seconded by Commissioner Gwen Margolis
and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	absent	Betty T. Ferguson	absent
Gwen Margolis	aye	Joe A. Martinez	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Dorrian D. Rolle	aye	Natacha Seljas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of October, 2001. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

By: KAY SULLIVAN
Deputy Clerk



MEMORANDUM

Agenda Item No. 4(V)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: **October 23, 2001**

FROM: Steve Shriver
County Manager

SUBJECT: South Miami Service, Inc.
application for a transfer of
Passenger Motor Carrier Certificate
of Transportation No. 308

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 308 from New American Transportation, Inc. to South Miami Service, Inc.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Commission, in considering the proposed transfer of ownership or control of the certificate shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

New American Transportation, Inc. has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 308 to a new corporation, South Miami Service, Inc. The Code requires that such transfers be approved by the Board. PMC No. 308, originally issued on April 27, 1999, authorizes charter service. Charter service is defined as the transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle. South Miami Service, Inc. located at 14375 SW 97 Terrace, Miami, Florida, 33186, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution which approved the initial certificate (R-468-99, attached). South Miami Service, Inc. will continue transporting tourist and resident groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24 hours minimum basis. These services will be provided 24 hours a day, seven days a week, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Rafael M. Gonzalez, President of South Miami Services, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding transfer of the certificate. A Purchase Agreement between Rafael M. Gonzalez, President of South Miami Services, Inc., and Francisco Ricarte, President of New American Transportation, Inc., establishes the acquisition by Rafael M. Gonzalez of all the assets of New American Transportation, Inc. for a total price of eight thousand dollars (\$8,000.00). No price was assigned specifically to the PMC Certificate of Transportation.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. R-468-99

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO NEW AMERICAN
TRANSPORTATION, INC. TO PROVIDE CHARTER SERVICE
AS A PASSENGER MOTOR CARRIER

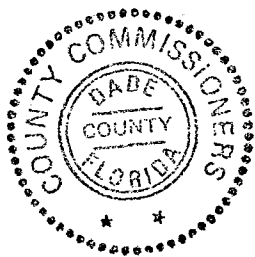
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide charter service pursuant to a common purpose in Miami-Dade County, as recommended by the County Manager, be issued to New American Transportation, Inc.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Gwen Margolis** and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Bruno A. Barreiro	absent
Dr. Barbara M. Carey-Shuler	aye	Miguel Díaz de la Portilla	aye
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millán	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrian D. Rolle	aye	Katy Sorenson	absent
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of April, 1999. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as to
form and legal sufficiency. GKS



MEMORANDUM

Agenda Item No. 4(U)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: April 27, 1999

FROM: M. R. Stierheim
County Manager

SUBJECT: New American Transportation, Inc.
application for a Passenger Motor
Carrier Certificate
(PMC Control No. 398)

RECOMMENDATION

It is recommended that the Board approve the application of New American Transportation, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged charter service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS

New American Transportation, Inc., located at 121 SE 1st Street, Suite #504, Miami, Florida 33131, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged charter transportation to passengers throughout all of Miami-Dade County. This class of service is defined as transportation of a group of persons pursuant to a common purpose and traveling under a single contract involving the exclusive use of a motor vehicle.

The company is a tour operator that seeks to transport tourist and business groups to and from various locations throughout Miami-Dade County. Transportation will be pre-arranged one to two days in advance. These services will be provided 24 hours a day, seven days a week, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Francisco Ricarte Guedes, President, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

This application was filed prior to the adoption of R-1404-98 which provides that new applications will not be received by the department after December 15, 1998; however, applications on file will be processed for Board consideration.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Friday, December 10, 2004, at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of all of the issued and outstanding shares of stock of South Miami Services, Inc., holder of Certificate of Transportation No. 308, to its new President, Meinardo Castellanos, to provide charter service.

A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)(1)(Q)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)(1)(Q)

01-20-05

RESOLUTION NO. _____

**RESOLUTION APPROVING TRANSFER OF ALL OF THE
ISSUED AND OUTSTANDING SHARES OF STOCK OF
SOUTH MIAMI SERVICES, INC., HOLDER OF
CERTIFICATE OF TRANSPORTATION NO. 308, TO ITS
NEW PRESIDENT, MEINARDO CASTELLANOS.**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that in accordance with Chapter 31 of the Code, the Board hereby approves the transfer of all of the issued and outstanding shares of capital stock of South Miami Services, Inc., holder of Certificate of Transportation No. 308, to its new President, Meinardo Castellano, as recommended by the County Manager.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GHS

Gerald K. Sanchez